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SEP 07 2005

OFFICE OF PETITIONS

In re Application of :
Peter Elenius, et al. :
Application No. 09/575,298 : DECISION ON PETITIONS
Filed: May 19, 2000 : 37 CFR 1.137(b)
Attorney Docket No. 72145.012100/US : :

This is a decision on the petition under 37 CFR §1.137(b), submitted June 15, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

This application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due/ Notice of Allowability mailed February 12, 2004, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned for failure to submit the issue fee on May 13, 2004. A Notice of Abandonment was mailed on July 20, 2004. A Notice Regarding Drawings was mailed June 1, 2004, which set a non-extendable period for reply of two (2) months to furnish corrected drawings.

The issue fee and statement have been received. However, the instant petition lacks item(s) (1) a proper reply, as the amended drawings filed with the petition do not satisfy the Notice Regarding

Drawings mailed July 20, 2004 as noted in the attached Draftsperson's Patent Drawing Review form, PTO-948. Accordingly, this application cannot be revived until formal drawings overcoming the draftsperson's objections have been received.

The person signing the instant petition has a correspondence address different from the correspondence address of record. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate change of correspondence address must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Angela Ortiz at (571) 272-6051, or in her absence, the undersigned at (571) 272-3217.

Frances Hicks for
Brian Hearn
Petitions Examiner
Office of Petitions

Attachment: PTO-948

Cc: Bruce T. Neel
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 Suite 700
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